IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WA.No. 1299 of 2007

AGAINST THE JUDGEMENT IN WPC.2452/2007 Dated 24/01/2007
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APPELLANTS: PETITIONERS
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1. SANAL.K.,
   SULATHALAYAM, T.C. 76/314, ANAYARA P.O.,
   THIRUVANANTHAPURAM- 695 029.

2. MANSY.M.,
   MANSY BHAVAN, NANNATTUKAVU, POTHENCODE P.O.,
   THIRUVANANTHAPURAM- 695 584.

3. SAJEENA.J.,
   SAJEED MANZIL, VAVARA AMBALAM,
   POTHENCODE P.O.,
   THIRUVANANTHAPURAM- 695 584.

4. ROJA J.S.,
   AMBADI, KATTAYIKONAM,
   KATTAYIKKONAM P.O.,
   THIRUVANANTHAPURAM - 695 584.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS: RESPONDENTS
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1. KERALA PUBLIC SERVICE COMMISSION
   REP: BY ITS SECRETARY, PATTOM.P.O.,
   THIRUVANANTHAPURAM

2. STATE OF KRALA
   REPRESENTED BY THE SECRETARY
   SOCIAL WELFARE DEPARTMENT, THIRUVANANTHAPURAM

3. DIRECTOR
SOCIAL WELFARE DEPARTMENT,
VIKAS BHAVAN, THIRUVANANTHAPURAM

R1 BY ADV. SRI P.C. SASIDHARAN, STANDING COUNSEL,KPSC
R2 BY GOVT. PLEADER SRI BENNY GERVASIZ

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 29/06/2007, ALONG WITH WA NO. 1412 OF 2007
THE COURT ON 11/07/2007 DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

Writ Appeal Nos. 1299 and 1412 of 2007

Dated: 11th July 2007

JUDGMENT

Radhakrishnan, J.

Writ Appeal No 1299 of 2007 is filed by the petitioners against the judgment in W.P.C. No 2452 of 2007 and Writ Appeal No 1412 of 2007 by the petitioners in W.P.C. No 2523 of 2007. Writ petitions were disposed of by a common judgment.

2. Writ petition No 2542 of 2007 was preferred by the appellants seeking a writ of certiorari to quash Exts. P9 to P12 and for a writ of mandamus directing the first respondent to consider them for selection to the post of District Probation Officer Grade II and also for other consequential reliefs. Learned single judge found that the petitioners were not qualified to apply for the post since they

did not possess the degree in social work or social services. Holding so, writ petitions were dismissed.

3. Counsel appearing for the appellants submitted that first petitioner has passed B.A in Economics and M.A in Sociology of the Kerala University, second petitioner has passed B.A in Sociology and M.A in Sociology of Kerala University and the third petitioner has passed B.A in Sociology and B.Ed in Social Science of the Kerala University. Counsel submitted that the post-graduation they possess is superior to the qualifications prescribed and therefore there was no justification in rejecting their applications.

4. We find it difficult to accept the contention advanced by the counsel for the petitioners. Qualifications have been specifically prescribed in the notification. Notification specifically says that the applicants should possess degree in social work or social services. Admittedly petitioners do not possess that qualification and therefore they are not eligible to apply for the post. This question came up for consideration before a Division Bench of this court in Mukesh v. State of Kerala (2006 (4) KLT 1023) as well. We are in agreement

with the above mentioned decision. In such circumstan we find no reason to entertain these appeals. The same would stand dismissed.

Sd/-

K.S. RADHAKRISHNAN
Judge

Sd/-

ANTONY DOMINIC
Judge

11/07/2007
en/

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